



7 December 2001

ICTY WEEKLY UPDATE – 200

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

Mladen NALETILIĆ and Vinko MARTINOVIĆ Case (“Tuta” and “Štela”)

Trial Chamber I, Section A – Judges Liu (Presiding), Harding Clark and Diarra

In the afternoon and evening of 3 December, the Prosecution examined protected witness UU via video link. UU talked about events that took place in Mostar. He testified about his detention in Tomislavgrad and his mistreatment in this town.

On 4 December, the Prosecution began its examination of protected witness VV who was born in Mostar and who was a member of the Fourth Corps of the BiH Army. VV was on the frontline when the BiH Army and HVO fought against the Serbs. The Prosecution asked him about the rise of tensions between the BiH Army and the HVO. VV testified about the attack of the HVO on East Mostar and the Vranica building where the Fourth Corps of the BiH Army was headquartered. UU also told the court about the takeover of Bijelo Polje and Raštani by the BiH Army.

In the afternoon of 5 December, the Prosecution concluded its examination of UU. The Defence chose not to cross-examine the witness. Judge Harding Clark asked the witness questions to ascertain which houses had been destroyed. The Defence then briefly questioned the witness. In the latter part of the afternoon, the Prosecution called protected witness WW who told the court about various events that took place in Mostar during the war.

On 6 December, the Defence cross-examined witness WW. The Prosecution then called protected witness XX. The witness told the court about his forced labour on the Bulevar and Šantićeva Street in Mostar. XX said that he and others had to dig trenches and build bunkers for the HVO. The witness also testified about the incident where he and others were lined up as a human shield to protect HVO troupes.

On 7 December, the Prosecution called witness Marko Prelec, a Research Officer with the Office of the Prosecutor.

Mitar VASILJEVIĆ Case (“Višegrad”)

Trial Chamber II, Section A – Judges Hunt (Presiding), Janů and Taya

On 3 December, the Defence called witness Aleksandar Moljević, a doctor who worked at the Užice general hospital in the department of orthopedic surgery.

On 4 December, the Trial Chamber discussed procedural matters. The Defence called no witness. The Presiding Judge indicated to the parties that they bring the trial to a close within the first two weeks of January due to lack of courtroom availability that month.

On 5 December, the Prosecution cross-examined Mitar Vasiljević who was asked about the suicide of his mother and mental illness in his family.

There was no session on 6 and 7 December.

Milan SIMIĆ, Blagoje SIMIĆ, Miroslav TADIĆ and Simo ZARIĆ Case (“Bosanski Šamac”)

Trial Chamber II, Section B – Judges Mumba (Presiding), Singh and Williams

On the morning of Monday 3 December, the Prosecution examined protected witness M who talked about events that took place in the area of Bosanski Šamac in 1993. He was forced to loot houses in villages that were inhabited by Croats.

On 4 December, the Prosecution resumed its examination of witness M.

On 5 December, no witness was called. The Trial Chamber suggested some amendments to the indictment and the Prosecutor filed a motion for leave to amend the indictment.

On 6 December, the Defence requested more time to examine the amended indictment. Witness M could not testify on 6 December because of illness.

On 7 December, the Prosecution asked witness M about curfews in Bosanski Šamac. The witness told the Prosecution about the requirement for non-Serbs to wear a white rag. He also testified about his arrest and how some detainees had their teeth pulled at random.

The trial was adjourned to 14 January 2002.

Stanislav GALIĆ Case (“Sarajevo”)

Trial Chamber I, Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

The trial began on the afternoon of Monday 3 December with the Prosecution’s opening statement. The Defence then chose to defer its opening statement until after the presentation of the Prosecution’s case is concluded pursuant to Rule 84 of the Rules. The Prosecution then called its first witness, Tarik Kupusović, a civil engineer from Sarajevo. He was a professor at the University in 1992 and a member of the Sarajevo municipal council. The witness testified about the shelling of Sarajevo. He also told the court about the sniping which took place while the city was under siege.

On 4 December, the Prosecution resumed its examination of Kupusović. He testified about the shortages of food and electricity that occurred in Sarajevo because of the siege, the shelling and the sniping. The Defence began its cross-examination after the break. Defence counsel asked the witness about the deterioration of inter-ethnic relations in Sarajevo.

On the following day, the Defence resumed its cross-examination of Kupusović. At the end of the day, the Prosecution called witness Mustafa Kovač. He was a co-ordinator of Civil Defence in the municipality of Novi Grad. Later he was appointed head of Civil Defence. In 1994 he became commander of Civil Defence of the city of Sarajevo. The Prosecution asked the witness about the ethnic composition of the Civil Defence.

On 6 December, the Prosecution resumed its examination of Kovač. At the end of the day the Defence began its cross-examination.

Dragoljub KUNARAC, Radomir KOVAČ and Zoran VUKOVIĆ Case (“Foča”)

Appeals Chamber – Judges Jorda (Presiding), Shahabuddeen, Güney, Schomburg and Meron

On Tuesday 4 December, the Appeals Chamber convened for the appeal of the convicted Dragoljub Kunarac, Radomir Kovač and Zoran Vuković. The President gave a short summary of the grounds for appeal before hearing the oral arguments of the parties:

- (1) The general background of the case.
- (2) The existence of an armed conflict and the nexus between the conflict and the criminal conduct of the appellants.
- (3) The widespread and systematic attack against the population.
- (4) Cumulative convictions.
- (5) Legal issues relating to the application of the Statute and the Rules.
- (6) Identification of the accused.
- (7) The evaluation of the expert witness.
- (8) The definition of offences.
- (9) The sentencing.

II. OVERVIEW OF COURT DOCUMENTS:

Slobodan MILOŠEVIĆ Case (“Kosovo”)

Trial Chamber III – Judges May (Presiding), Robinson and Kwon

ORDER

On 5 December, the Trial Chamber instructed the parties to provide the Chamber with information on the following issues in relation to the Motion for Joinder of the three indictments against Slobodan Milošević (see *Weekly Update* No. 199):

- (1) the theory of responsibility of the accused with respect to each indictment;
- (2) the number of witnesses expected to be called for each case;
- (3) the number of exhibits expected to be tendered in each case;
- (4) the time anticipated for preparation for trial in each case;
- (5) the expected length of trial if each case is tried separately; and
- (6) the expected length of trial if a joint trial is ordered.

Stanislav GALIĆ Case (“Sarajevo”)

Bench of three Judges of the Appeals Chamber – Judges Hunt (Presiding), Güney and Meron

DECISION ON APPLICATION BY DEFENCE FOR LEAVE TO APPEAL

On 30 November 2001, a bench of three judges of the Appeals Chamber refused Stanislav Galić’s leave to appeal the form of the indictment.

Radislav KRSTIĆ Case

Judge Hunt (Pre-appeal judge)

SCHEDULING ORDER

On 30 November, the pre-appeal judge ordered that a Status Conference be held on **11 December 2001 at 16:30**.

Pavle STRUGAR and Miodrag JOKIĆ Case

Judges Liu (Presiding), El Mahdi, Orić

ORDER

On 30 November, the Trial Chamber ordered the provisional release of Pavle Strugar. (see also *Press release 644e*)

Radoslav BRĐANIN and Momir TALIĆ Case

Judge Agius (Pre-trial Judge)

ADDENDUM TO SCHEDULING ORDER

On 3 December, the pre-trial judge ordered that a Status Conference be held immediately following the conclusion of the pre-trial conference which is scheduled for **10 December 2001 at 14:00**.

Mitar VASILJEVIĆ Case (“Višegrad”)

Trial Chamber II, Section A – Judges Hunt (Presiding), Janů and Taya

ORDER

On 4 December, the Trial Chamber ordered an examination of the accused by a forensic psychiatrist in the detention unit in Scheveningen during the week of 11 December 2001.

Dusko SIKIRICA, Damir DOŠEN and Dragan KOLUNDŽIJA Case (“Keraterm Camp”)

Judge Jorda (President of the Tribunal)

ORDONNANCE DU PRESIDENT RELATIVE A LA LIBERATION ANTICIPEE DE DRAGAN KOLUNDŽIJA

On 5 December 2001, the President granted Dragan Kolundžija’s request for release (see *Press release 646e*).

Dragan NIKOLIĆ Case
Judge Agius (Pre-trial judge)

SCHEDULING ORDER

On 6 December 2001, the pre-trial judge ordered that a Status Conference be held on **9 January 2002 at 10:00**.

Enver HADŽIHASANOVIĆ, Mehmed ALAGIĆ and Amir KUBURA Case (“Central Bosnia”)

Trial Chamber II- Schomburg (Presiding), Mumba and Agius

SCHEDULING ORDER

On 6 December 2001, the Trial Chamber scheduled a hearing on the Applications for Provisional Release of the three co-accused for **12 December at 14:30**.

COURTROOM SCHEDULE: 10 DECEMBER – 14 DECEMBER*

MONDAY 10 DECEMBER

Courtroom I 09:30 - 13:00, **Martinovic/Naletilic**, Trial
14:30 - 16:00, **Martinovic/Naletilic**, Trial
16:30, **Krnolejac**, Status Conference
Courtroom II 09:30 - 13:00, **Vasiljevic**, Trial
14:00, **Brdjanin/Talic**, Pre-trial Conference
Courtroom III 09:00 - 13:45, **Galic**, Trial
14:30 - 19:00, **Plavsic/Krasjnsnik**, Status Conference

TUESDAY 11 DECEMBER

Courtroom I 09:30 - 13:00, **Milosevic**, Initial Appearance
14:30 - 16:00, **Milosevic**, Initial Appearance
Courtroom II 10:00 - 13:00, **Vasiljevic**, Trial
14:30 - 16:00, **Vasiljevic**, Trial
16:30, **Krstic**, Status Conference

WEDNESDAY 12 DECEMBER

Courtroom I 14:30, **Hadzihasanovic et al.**, Hearing
PLENARY SESSION

THURSDAY 13 DECEMBER

PLENARY SESSION

FRIDAY 14 DECEMBER

PLENARY SESSION

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services. Unless otherwise indicated, all sessions are open.

Public proceedings are also broadcast with a 30 minute delay on the ICTY’s web site:

<http://www.un.org/icty/schedule/week-e.htm> (in English);

<http://www.un.org/icty/bhs/week-b.htm> (na bosanskom/hrvatskom/srpskom).

PRESS RELEASES ISSUED SINCE 27 NOVEMBER:

DATE	NUMBER	TITLE	E	F	B/C/S
30/11/2001	643	THE TRIAL OF STANISLAV GALIĆ WILL BEGIN ON MONDAY 3 DECEMBER 2001	E		B/C/S
03/12/2001	644	PAVLE STRUGAR GRANTED PROVISIONAL RELEASE	E		B/C/S
03/12/2001	645	JUDGE NIETO-NAVIA SWORN IN AS AN <i>AD LITEM</i> JUDGE FOR THE ICTY	E		B/C/S
06/12/2001	646	THE PRESIDENT OF THE ICTY GRANTS RELEASE OF DRAGAN KOLUNDŽIJA	E		B/C/S

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For a selection of the latest public documents, please visit the [ICTY Website](#)